

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2085

Introduced 2/6/2025, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.05	from Ch. 43, par. 95.05
235 ILCS 5/1-3.45	
235 ILCS 5/1-3.47 new	
235 ILCS 5/6-16	from Ch. 43, par. 131
235 ILCS 5/6-35.5 new	
410 ILCS 620/10	from Ch. 56 1/2, par. 510

Amends the Liquor Control Act of 1934. Provides that "alcoholic liquor" and "alcohol-infused products" does not include frozen desserts containing alcoholic liquor. Provides that "frozen desserts containing alcoholic liquor" means ice cream or other frozen desserts that are made with liquor, wine, beer, cider, or any combination thereof and that contain more than 0.5% but not more than 5% of alcohol by volume. Provides that no person shall sell a package of frozen desserts that contains more than 5% alcohol by volume. Provides that no person shall sell, give, or deliver frozen desserts containing alcoholic liquor to a person under the age of 21. Provides that a person under the age of 21 may not purchase, possess, or consume frozen desserts containing alcoholic liquor. Provides that no person shall sell a package of frozen desserts containing alcoholic liquor for consumption off the premises or for consumption on the premises unless it contains specified notices and warnings. Provides that no manufacturer or distributor of frozen desserts containing alcoholic liquor shall sell the product to a person intending to sell at retail individual servings of frozen desserts containing alcoholic liquor or packages of frozen desserts containing alcoholic liquor for consumption off the premises, unless, with each shipment, the manufacturer or distributor provides a written notice that frozen desserts containing alcoholic liquor may be sold at retail only if the retailer complies with specified requirements and provides a written copy of those requirements. Provides that frozen desserts containing alcoholic liquor are subject to all applicable food safety laws, rules, standards, and requirements, including, but not limited to, the provisions of the Illinois Food, Drug and Cosmetic Act. Makes conforming changes. Amends the Illinois Food, Drug and Cosmetic Act to make a conforming change.

LRB104 05948 RPS 15981 b

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.05, 1-3.45, and 6-16 and by adding
6 Sections 1-3.47 and 6-35.5 as follows:

7 (235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

8 Sec. 1-3.05. Alcoholic liquor. "Alcoholic liquor" includes
9 alcohol, spirits, wine and beer, and every liquid or solid,
10 patented or not, containing alcohol, spirits, wine or beer,
11 and capable of being consumed as a beverage by a human being.
12 "Alcoholic liquor" also includes alcohol-infused products.
13 "Alcoholic liquor" does not include frozen desserts containing
14 alcoholic liquor. The provisions of this Act shall not apply
15 to alcohol used in the manufacture of denatured alcohol
16 produced in accordance with Acts of Congress and regulations
17 promulgated thereunder, nor to any liquid or solid containing
18 one-half of one per cent, or less, of alcohol by volume. No tax
19 provided for in Article VIII of this Act shall apply to wine
20 intended for use and used by any church or religious
21 organization for sacramental purposes, provided that such wine
22 shall be purchased from a licensed manufacturer or importing
23 distributor under this Act.

(Source: P.A. 103-904, eff. 1-1-25.)

(235 ILCS 5/1-3.45)

Sec. 1-3.45. Alcohol-infused products. "Alcohol-infused products" means any frozen or unfrozen, solid or semi-solid food in a form other than liquid, including, but not limited to, ~~ice cream, ice pops,~~ whipped cream, gelatin-based products, and other similar products, containing more than 0.5% alcohol by volume. "Alcohol-infused products" does not include frozen desserts containing alcoholic liquor.

(Source: P.A. 103-904, eff. 1-1-25.)

(235 ILCS 5/1-3.47 new)

Sec. 1-3.47. Frozen desserts containing alcoholic liquor.
"Frozen desserts containing alcoholic liquor" means ice creams or other frozen desserts that are made with liquor, wine, beer, cider, or any combination thereof and that contain more than 0.5% but not more than 5% of alcohol by volume.

(235 ILCS 5/6-16) (from Ch. 43, par. 131)

Sec. 6-16. Prohibited sales and possession.

(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor or frozen desserts containing alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in

1 Section 6-16.1. (ii) No express company, common carrier, or
2 contract carrier nor any representative, agent, or employee on
3 behalf of an express company, common carrier, or contract
4 carrier that carries or transports alcoholic liquor for
5 delivery within this State shall knowingly give or knowingly
6 deliver to a residential address any shipping container
7 clearly labeled as containing alcoholic liquor and labeled as
8 requiring signature of an adult of at least 21 years of age to
9 any person in this State under the age of 21 years. An express
10 company, common carrier, or contract carrier that carries or
11 transports such alcoholic liquor for delivery within this
12 State shall obtain a signature at the time of delivery
13 acknowledging receipt of the alcoholic liquor by an adult who
14 is at least 21 years of age. At no time while delivering
15 alcoholic beverages within this State may any representative,
16 agent, or employee of an express company, common carrier, or
17 contract carrier that carries or transports alcoholic liquor
18 for delivery within this State deliver the alcoholic liquor to
19 a residential address without the acknowledgment of the
20 consignee and without first obtaining a signature at the time
21 of the delivery by an adult who is at least 21 years of age. A
22 signature of a person on file with the express company, common
23 carrier, or contract carrier does not constitute
24 acknowledgement of the consignee. Any express company, common
25 carrier, or contract carrier that transports alcoholic liquor
26 for delivery within this State that violates this item (ii) of

1 this subsection (a) by delivering alcoholic liquor without the
2 acknowledgement of the consignee and without first obtaining a
3 signature at the time of the delivery by an adult who is at
4 least 21 years of age is guilty of a business offense for which
5 the express company, common carrier, or contract carrier that
6 transports alcoholic liquor within this State shall be fined
7 not more than \$1,001 for a first offense, not more than \$5,000
8 for a second offense, and not more than \$10,000 for a third or
9 subsequent offense. An express company, common carrier, or
10 contract carrier shall be held vicariously liable for the
11 actions of its representatives, agents, or employees. For
12 purposes of this Act, in addition to other methods authorized
13 by law, an express company, common carrier, or contract
14 carrier shall be considered served with process when a
15 representative, agent, or employee alleged to have violated
16 this Act is personally served. Each shipment of alcoholic
17 liquor delivered in violation of this item (ii) of this
18 subsection (a) constitutes a separate offense. (iii) No
19 person, after purchasing or otherwise obtaining alcoholic
20 liquor or frozen desserts containing alcoholic liquor, shall
21 sell, give, or deliver such alcoholic liquor or frozen
22 desserts containing alcoholic liquor to another person under
23 the age of 21 years, except in the performance of a religious
24 ceremony or service. Except as otherwise provided in item
25 (ii), any express company, common carrier, or contract carrier
26 that transports alcoholic liquor within this State that

1 violates the provisions of item (i), (ii), or (iii) of this
2 paragraph of this subsection (a) is guilty of a Class A
3 misdemeanor and the sentence shall include, but shall not be
4 limited to, a fine of not less than \$500. Any person who
5 violates the provisions of item (iii) of this paragraph of
6 this subsection (a) is guilty of a Class A misdemeanor and the
7 sentence shall include, but shall not be limited to a fine of
8 not less than \$500 for a first offense and not less than \$2,000
9 for a second or subsequent offense. Any person who knowingly
10 violates the provisions of item (iii) of this paragraph of
11 this subsection (a) is guilty of a Class 4 felony if a death
12 occurs as the result of the violation.

13 If a licensee or officer, associate, member,
14 representative, agent, or employee of the licensee, or a
15 representative, agent, or employee of an express company,
16 common carrier, or contract carrier that carries or transports
17 alcoholic liquor for delivery within this State, is prosecuted
18 under this paragraph of this subsection (a) for selling,
19 giving, or delivering alcoholic liquor or frozen desserts
20 containing alcoholic liquor to a person under the age of 21
21 years, the person under 21 years of age who attempted to buy or
22 receive the alcoholic liquor or frozen desserts containing
23 alcoholic liquor may be prosecuted pursuant to Section 6-20 of
24 this Act, unless the person under 21 years of age was acting
25 under the authority of a law enforcement agency, the Illinois
26 Liquor Control Commission, or a local liquor control

1 commissioner pursuant to a plan or action to investigate,
2 patrol, or conduct any similar enforcement action.

3 For the purpose of preventing the violation of this
4 Section, any licensee, or his agent or employee, or a
5 representative, agent, or employee of an express company,
6 common carrier, or contract carrier that carries or transports
7 alcoholic liquor for delivery within this State, shall refuse
8 to sell, deliver, or serve alcoholic beverages or frozen
9 desserts containing alcoholic liquor to any person who is
10 unable to produce adequate written evidence of identity and of
11 the fact that he or she is over the age of 21 years, if
12 requested by the licensee, agent, employee, or representative.

13 Adequate written evidence of age and identity of the
14 person is a document issued by a federal, state, county, or
15 municipal government, or subdivision or agency thereof,
16 including, but not limited to, a motor vehicle operator's
17 license, a registration certificate issued under the Federal
18 Selective Service Act, or an identification card issued to a
19 member of the Armed Forces. Proof that the defendant-licensee,
20 or his employee or agent, or the representative, agent, or
21 employee of the express company, common carrier, or contract
22 carrier that carries or transports alcoholic liquor for
23 delivery within this State demanded, was shown and reasonably
24 relied upon such written evidence in any transaction forbidden
25 by this Section is an affirmative defense in any criminal
26 prosecution therefor or to any proceedings for the suspension

1 or revocation of any license based thereon. It shall not,
2 however, be an affirmative defense if the agent or employee
3 accepted the written evidence knowing it to be false or
4 fraudulent. If a false or fraudulent Illinois driver's license
5 or Illinois identification card is presented by a person less
6 than 21 years of age to a licensee or the licensee's agent or
7 employee for the purpose of ordering, purchasing, attempting
8 to purchase, or otherwise obtaining or attempting to obtain
9 the serving of any alcoholic beverage or frozen dessert
10 containing alcoholic liquor, the law enforcement officer or
11 agency investigating the incident shall, upon the conviction
12 of the person who presented the fraudulent license or
13 identification, make a report of the matter to the Secretary
14 of State on a form provided by the Secretary of State.

15 However, no agent or employee of the licensee or employee
16 of an express company, common carrier, or contract carrier
17 that carries or transports alcoholic liquor for delivery
18 within this State shall be disciplined or discharged for
19 selling or furnishing liquor or frozen desserts containing
20 alcoholic liquor to a person under 21 years of age if the agent
21 or employee demanded and was shown, before furnishing liquor
22 or frozen desserts containing alcoholic liquor to a person
23 under 21 years of age, adequate written evidence of age and
24 identity of the person issued by a federal, state, county or
25 municipal government, or subdivision or agency thereof,
26 including, but not limited to, a motor vehicle operator's

1 license, a registration certificate issued under the Federal
2 Selective Service Act, or an identification card issued to a
3 member of the Armed Forces. This paragraph, however, shall not
4 apply if the agent or employee accepted the written evidence
5 knowing it to be false or fraudulent.

6 Any person who sells, gives, or furnishes to any person
7 under the age of 21 years any false or fraudulent written,
8 printed, or photostatic evidence of the age and identity of
9 such person or who sells, gives or furnishes to any person
10 under the age of 21 years evidence of age and identification of
11 any other person is guilty of a Class A misdemeanor and the
12 person's sentence shall include, but shall not be limited to,
13 a fine of not less than \$500.

14 Any person under the age of 21 years who presents or offers
15 to any licensee, his agent or employee, any written, printed
16 or photostatic evidence of age and identity that is false,
17 fraudulent, or not actually his or her own for the purpose of
18 ordering, purchasing, attempting to purchase or otherwise
19 procuring or attempting to procure, the serving of any
20 alcoholic beverage or frozen dessert containing alcoholic
21 liquor, who falsely states in writing that he or she is at
22 least 21 years of age when receiving alcoholic liquor or a
23 frozen dessert containing alcoholic liquor from a
24 representative, agent, or employee of an express company,
25 common carrier, or contract carrier, or who has in his or her
26 possession any false or fraudulent written, printed, or

1 photostatic evidence of age and identity, is guilty of a Class
2 A misdemeanor and the person's sentence shall include, but
3 shall not be limited to, the following: a fine of not less than
4 \$500 and at least 25 hours of community service. If possible,
5 any community service shall be performed for an alcohol abuse
6 prevention program.

7 Any person under the age of 21 years who has any alcoholic
8 beverage or frozen dessert containing alcoholic liquor in his
9 or her possession on any street or highway or in any public
10 place or in any place open to the public is guilty of a Class A
11 misdemeanor. This Section does not apply to possession by a
12 person under the age of 21 years making a delivery of an
13 alcoholic beverage or frozen dessert containing alcoholic
14 liquor in pursuance of the order of his or her parent or in
15 pursuance of his or her employment.

16 (a-1) It is unlawful for any parent or guardian to
17 knowingly permit his or her residence, any other private
18 property under his or her control, or any vehicle, conveyance,
19 or watercraft under his or her control to be used by an invitee
20 of the parent's child or the guardian's ward, if the invitee is
21 under the age of 21, in a manner that constitutes a violation
22 of this Section. A parent or guardian is deemed to have
23 knowingly permitted his or her residence, any other private
24 property under his or her control, or any vehicle, conveyance,
25 or watercraft under his or her control to be used in violation
26 of this Section if he or she knowingly authorizes or permits

1 consumption of alcoholic liquor or frozen desserts containing
2 alcoholic liquor by underage invitees. Any person who violates
3 this subsection (a-1) is guilty of a Class A misdemeanor and
4 the person's sentence shall include, but shall not be limited
5 to, a fine of not less than \$500. Where a violation of this
6 subsection (a-1) directly or indirectly results in great
7 bodily harm or death to any person, the person violating this
8 subsection shall be guilty of a Class 4 felony. Nothing in this
9 subsection (a-1) shall be construed to prohibit the giving of
10 alcoholic liquor to a person under the age of 21 years in the
11 performance of a religious ceremony or service in observation
12 of a religious holiday.

13 For the purposes of this subsection (a-1) where the
14 residence or other property has an owner and a tenant or
15 lessee, the trier of fact may infer that the residence or other
16 property is occupied only by the tenant or lessee.

17 (b) Except as otherwise provided in this Section whoever
18 violates this Section shall, in addition to other penalties
19 provided for in this Act, be guilty of a Class A misdemeanor.

20 (c) Any person shall be guilty of a Class A misdemeanor
21 where he or she knowingly authorizes or permits a residence
22 which he or she occupies to be used by an invitee under 21
23 years of age and:

24 (1) the person occupying the residence knows that any
25 such person under the age of 21 is in possession of or is
26 consuming any alcoholic beverage or frozen dessert

1 containing alcoholic liquor; and

2 (2) the possession or consumption of the alcohol by
3 the person under 21 is not otherwise permitted by this
4 Act.

5 For the purposes of this subsection (c) where the
6 residence has an owner and a tenant or lessee, the trier of
7 fact may infer that the residence is occupied only by the
8 tenant or lessee. The sentence of any person who violates this
9 subsection (c) shall include, but shall not be limited to, a
10 fine of not less than \$500. Where a violation of this
11 subsection (c) directly or indirectly results in great bodily
12 harm or death to any person, the person violating this
13 subsection (c) shall be guilty of a Class 4 felony. Nothing in
14 this subsection (c) shall be construed to prohibit the giving
15 of alcoholic liquor to a person under the age of 21 years in
16 the performance of a religious ceremony or service in
17 observation of a religious holiday.

18 A person shall not be in violation of this subsection (c)
19 if (A) he or she requests assistance from the police
20 department or other law enforcement agency to either (i)
21 remove any person who refuses to abide by the person's
22 performance of the duties imposed by this subsection (c) or
23 (ii) terminate the activity because the person has been unable
24 to prevent a person under the age of 21 years from consuming
25 alcohol despite having taken all reasonable steps to do so and
26 (B) this assistance is requested before any other person makes

1 a formal complaint to the police department or other law
2 enforcement agency about the activity.

3 (d) Any person who rents a hotel or motel room from the
4 proprietor or agent thereof for the purpose of or with the
5 knowledge that such room shall be used for the consumption of
6 alcoholic liquor or frozen desserts containing alcoholic
7 liquor by persons under the age of 21 years shall be guilty of
8 a Class A misdemeanor.

9 (e) Except as otherwise provided in this Act, any person
10 who has alcoholic liquor or a frozen dessert containing
11 alcoholic liquor in his or her possession on public school
12 district property on school days or at events on public school
13 district property when children are present is guilty of a
14 petty offense, unless the alcoholic liquor or frozen dessert
15 containing alcoholic liquor (i) is in the original container
16 with the seal unbroken and is in the possession of a person who
17 is not otherwise legally prohibited from possessing the
18 alcoholic liquor or frozen dessert containing alcoholic liquor
19 or (ii) is in the possession of a person in or for the
20 performance of a religious service or ceremony authorized by
21 the school board.

22 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

23 (235 ILCS 5/6-35.5 new)

24 Sec. 6-35.5. Frozen desserts containing alcoholic liquor.

25 (a) No person shall sell a package of frozen desserts

1 containing alcoholic liquor that contains more than 5% alcohol
2 by volume. No person shall sell, give, or deliver frozen
3 desserts containing alcoholic liquor to a person under the age
4 of 21. A person under the age of 21 may not purchase, possess,
5 or consume frozen desserts containing alcoholic liquor.

6 (b) No person shall sell a package of frozen desserts
7 containing alcoholic liquor for consumption off the premises
8 unless:

9 (1) each package is a sealed package, as received from
10 the manufacturer or distributor;

11 (2) each sealed package, as received from the
12 manufacturer or distributor, prominently bears the
13 following statements, in a format to be established or
14 approved by the State Commission:

15 "(A) The sale of this product to individuals under
16 the age of 21 years is prohibited.

17 (B) This product is made with (insert whichever is
18 applicable: liquor, wine, beer, cider, or a
19 combination thereof) and contains alcohol up to 5% by
20 volume.

21 (C) NOTICE: This product contains alcohol used as
22 flavoring and, as with any product that contains
23 alcohol:

24 (1) women should not consume alcohol during
25 pregnancy because of the risk of birth defects;
26 and

1 (2) consumption of alcohol impairs your
2 ability to drive a car or operate machinery and
3 may cause health problems."; and

4 (3) the following advisory, on a sign or poster not
5 less than 7 inches by 5 inches, in a format to be
6 established or approved by the State Commission, is
7 displayed prominently at each location where frozen
8 desserts containing alcoholic liquor are made available to
9 the public:

10 "THIS AREA CONTAINS FROZEN DESSERTS CONTAINING
11 ALCOHOLIC LIQUOR. The sale of frozen desserts containing
12 alcoholic liquor to individuals under the age of 21 years
13 is prohibited.

14 The frozen desserts containing alcoholic liquor in
15 this area contain alcohol up to 5% by volume.

16 NOTICE: Frozen desserts containing alcoholic liquor
17 contain alcohol used as a flavoring and, as with any
18 product that contains alcohol:

19 (1) women should not consume alcohol during
20 pregnancy because of the risk of birth defects; and

21 (2) consumption of alcohol impairs your ability to
22 drive a car or operate machinery and may cause health
23 problems. IT IS A VIOLATION PUNISHABLE UNDER LAW FOR
24 ANY PERSON UNDER THE AGE OF 21 TO PRESENT ANY WRITTEN
25 EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT, OR NOT
26 ACTUALLY HIS OR HER OWN FOR THE PURPOSE OF ATTEMPTING

1 TO PURCHASE FROZEN DESSERTS CONTAINING ALCOHOLIC
2 LIQUOR.".

3 (c) No person shall sell at retail individual servings of
4 frozen desserts containing alcoholic liquor for consumption on
5 the premises, unless the following statements are prominently
6 displayed on the printed menu (or, if no printed menus are
7 used, on the menu board or sign setting forth the bill of fare)
8 immediately adjacent to the listing of the item or items of
9 frozen desserts containing alcoholic liquor:

10 "(1) The sale of this product to individuals under the
11 age of 21 years is prohibited.

12 (2) This product is made with (insert whichever is
13 applicable: liquor, wine, beer, cider, or a combination
14 thereof) and contains alcohol up to 5% by volume.

15 (3) NOTICE: This product contains alcohol used as
16 flavoring and, as with any product that contains alcohol:

17 (A) women should not consume alcohol during
18 pregnancy because of the risk of birth defects; and

19 (B) consumption of alcohol impairs your ability to
20 drive a car or operate machinery and may cause health
21 problems.".

22 (d) No manufacturer or distributor of frozen desserts
23 containing alcoholic liquor shall sell such product to a
24 person intending to sell at retail individual servings of
25 frozen desserts containing alcoholic liquor or packages of
26 frozen desserts containing alcoholic liquor for consumption

1 off the premises, unless, with each shipment, the manufacturer
2 or distributor provides:

3 (1) a written notice that individual servings of
4 frozen desserts containing alcoholic liquor or packages of
5 frozen desserts containing alcoholic liquor may be sold at
6 retail only if the retailer complies with all of the
7 requirements set forth in subsection (b); and

8 (2) a written copy of the requirements set forth in
9 subsection (b).

10 (d) Frozen desserts containing alcoholic liquor are
11 subject to all applicable food safety laws, rules, standards,
12 and requirements, including, but not limited to, the
13 provisions of the Illinois Food, Drug and Cosmetic Act.

14 Section 10. The Illinois Food, Drug and Cosmetic Act is
15 amended by changing Section 10 as follows:

16 (410 ILCS 620/10) (from Ch. 56 1/2, par. 510)

17 Sec. 10. A food is adulterated - (a) (1) If it bears or
18 contains any poisonous or deleterious substance which may
19 render it injurious to health; but in case the substance is not
20 an added substance such food shall not be considered
21 adulterated under this clause if the quantity of such
22 substance in such food does not ordinarily render it injurious
23 to health; or (2) (A) if it bears or contains any added
24 poisonous or added deleterious substance other than one which

1 is (i) a pesticide chemical in or on a raw agricultural
2 commodity; (ii) a food additive; or (iii) a color additive
3 which is unsafe within the meaning of subsection (a) of
4 Section 13; or (iv) a new animal drug which is unsafe within
5 the meaning of Section 14; or (B) if it is a raw agricultural
6 commodity and it bears or contains a pesticide chemical which
7 is unsafe within the meaning of Section 408 (a) of the Federal
8 Act as amended; or (C) if it is or it bears or contains, any
9 food additive which is unsafe within the meaning of Section
10 409 of the Federal Act as amended; provided that where a
11 pesticide chemical has been used in or on a raw agricultural
12 commodity in conformity with an exemption granted or tolerance
13 prescribed under Section 408 of the Federal Act and such raw
14 agricultural commodity has been subjected to processing such
15 as canning, cooking, freezing, dehydrating or milling, the
16 residue of such pesticide chemical remaining in or on such
17 processed food shall, notwithstanding the provisions of
18 Section 13 and Clause (C) of this Section not be deemed unsafe
19 if such residue in or on the raw agricultural commodity has
20 been removed to the extent possible in good manufacturing
21 practice, and the concentration of such residue in the
22 processed food when ready-to-eat, is not greater than the
23 tolerance prescribed for the raw agricultural commodity; or
24 (D) if it is, or it bears or contains, a new animal drug (or
25 conversion product thereof) which is unsafe within the meaning
26 of Section 512 of the Federal Act; or (3) if it consists in

1 whole or in part of a diseased, contaminated, filthy, putrid
2 or decomposed substance, or if it is otherwise unfit for food;
3 or (4) if it has been produced, prepared, packed or held under
4 unsanitary conditions whereby it may have become contaminated
5 with filth or whereby it may have been rendered diseased,
6 unwholesome or injurious to health; or (5) if it is, in whole
7 or in part, the product of a diseased animal or an animal which
8 has died otherwise than by slaughter, or that has been fed upon
9 the uncooked offal from a slaughterhouse; or (6) if its
10 container is composed, in whole or in part, of any poisonous or
11 deleterious substance which may render the contents injurious
12 to health; or (7) if it has been intentionally subjected to
13 radiation unless the use of the radiation was in conformity
14 with a regulation or exemption in effect pursuant to Section
15 13 of this Act or Section 409 of the Federal Act.

16 (b) (1) If any valuable constituent has been in whole or in
17 part omitted or abstracted therefrom; or (2) if any substance
18 has been substituted wholly or in part therefor; or (3) if
19 damage or inferiority has been concealed in any manner; or (4)
20 if any substance has been added thereto or mixed or packed
21 therewith so as to increase its bulk or weight or reduce its
22 quality or strength or make it appear better or of greater
23 value than it is.

24 (c) If it is confectionery, ice cream, or frozen dessert
25 and it bears or contains any alcohol; however, this subsection
26 shall not apply to any confectionery, ice cream, or frozen

1 dessert by reason of its containing less than 5% by volume of
2 alcohol.

3 (d) If it is or bears or contains any color additive which
4 is unsafe within the meaning of Section 706(a) of the Federal
5 Act.

6 (e) If its packaging or labeling is in violation of an
7 applicable regulation issued pursuant to Section 3, 4 or 5 of
8 the Illinois Poison Prevention Packaging Act.

9 (f) If it is an adulterated egg or egg product pursuant to
10 Section 3.1 of the "Illinois Egg and Egg Products Act".

11 (Source: P.A. 85-179.)